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The following constitutes the
Order of the Court, Signed

9/23

2010

Arthur S. Weissbrodt

HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

The court has considered new TBR's letter of 9/21/10
AW

In re

OLD T.B.R., INCORPORATED f/k/a
THE BILLING RESOURCE, dba
Integretel, a California corporation,

Debtor.

Tax ID: 33-0289863

Case No. 07-52890

Adversary Proceeding Case No. 09-05074

Adversary Proceeding Case No. 09-05204

Chapter 11

Judge: Hon. Arthur S. Weissbrodt
Crm: 3020

[PROPOSED] ORDER

**GRANTING IN PART AND
DENYING IN PART THE BILLING
RESOURCE'S EX PARTE
APPLICATION FOR
CONTINUANCE AND
CONSOLIDATION OF HEARINGS**

PAYMENTONE CORPORATION, a
Delaware corporation,

Plaintiff,

v.

THE BILLING RESOURCE, LLC (NEW
T.B.R.), a Delaware limited liability
company,

Defendant.

1 The Billing Resource, LLC ("New TBR") filed its *ex parte* application for a
2 continuance and consolidation of hearings (the "Application for Continuance") on
3 September 14, 2010. The Application for Continuance seeks to move several pending
4 hearing dates in *Old T.B.R. Incorporated, f/k/a The Billing Resource, dba Integretel v. The*
5 *Billing Resource LLC*, Adversary Proceeding No. 09-05074 ("Old TBR's Action") and
6 *PaymentOne Corporation v. The Billing Resource LLC*, Adversary Proceeding No. 09-
7 05204 ("PayOne's Action"). PaymentOne Corporation ("PayOne") and Kerry Krisher
8 (the "Trustee")—as the liquidating trustee for *Old T.B.R. Incorporated, f/k/a The Billing*
9 *Resource, dba Integretel*—"Old TBR"), both filed oppositions to the Application for
10 Continuance on September 15, 2010. The Application for Continuance was heard by the
11 Court on September 17, 2010. Upon consideration of the papers submitted, the arguments
12 of counsel, and for the reasons stated on the record at the September 17, 2010 hearings,
13 which are made a part of this order by this reference, the Court hereby GRANTS IN
14 PART AND DENIES IN PART the Application for Continuance and ORDERS:

15
16 A. The Application for Continuance is denied with respect to PayOne's
17 Motion to Enforce the March 23 Stipulated Order.

18 B. The Application for Continuance is granted as to the motions for
19 summary adjudication brought by PayOne, Old TBR and New TBR.

20 C. All such motions shall be heard on **November 1, 2010, at 1:30 p.m.**

21 D. New TBR shall file and serve its oppositions and supporting declarations
22 regarding PayOne's Motion for Summary Adjudication [AVP 09-05204, Dkt. No.
23 52] and the Trustee's Further 910 Account Motion for Summary Adjudication
24 [AVP 09-05074, Dkt. No. 97] by **October 4, 2010**.

25 E. PayOne and the Liquidating Trustee shall file their respective reply
26 briefs and supporting declarations by **October 18, 2010**. No further briefings or
27 affidavits shall be filed after October 18, 2010.
28

1 F. The Case Management Conference in the PayOne Action and the Trial
2 Setting Conference in the Old TBR Action, both currently schedule to be held on
3 October 29, 2010, are continued to **December 10, 2010 at 3:00 p.m.**

4
5 IT IS SO ORDERED.

6 DATED:

7 The Honorable Arthur S. Weissbrodt
8 United States District Judge

9
10 LA2:915446